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2015 2nd IPR Protection Interagency Coordination Meeting

The Ministry of Economic Affairs (MOEA) convened the “2015 2nd IPR Protection Interagency Coordination Meeting” on August 19. The Customs Administration of the Ministry of Finance presented a feature report on the Customs’ investigations for trade mark infringement of express consignments. In addition, the Investigation Bureau of the Ministry of Justice reported on its investigations for trade secret crimes. Meanwhile, the results of the IPR Action Plan implemented from January to June this year were also reviewed at the meeting. The counterfeit goods ordered from overseas online and delivered to Taiwan via international express services have increased year by year. Apart from enhancing investigations, the Customs Administration also considers to refer related EU regulations to stipulate streamlined procedures for counterfeit goods in small consignments. With respect to the problems on trade secret investigations, such as evidence examination and investigation SOP, the Ministry of Justice will continue discussing possible solutions with the TIPO. It will also keep urging the High Prosecutors Office to modify the “Flowchart for Investigating Trade Secret Criminal Cases” and “Guidelines for Investigating Trade Secret Criminal Cases” for law enforcement personnel.



TIPO Convenes Seminar on Draft Amendments to “Directions for Patent Infringement Analysis and Identification”

In January, 1996, TIPO promulgated the “Guidelines for Patent Infringement Analysis and Identification”. In March, 2014, TIPO set up a group to take charge of the draft amendments to “Directions for Patent Infringement Analysis and Identification”. The key points of the amendments include renaming the “Directions for Patent Infringement Analysis and Identification (Draft)” to “Directions for Patent Infringement Determination (Draft)”, adding more cases for illustration (40 invention and utility model patent cases and 20 design cases); revising the terms of “claim interpretation”; adding interpretation for claims of utility model patents with features comprising uses, methods, or materials; adding interpretation for products obtained directly by the manufacturing process as indicated in the claims; and adding ways to determine infringement based on claims reciting “means or step plus function”, the doctrine of equivalents, and prosecution history estoppel (formally known as “File Wrapper Estoppel” used in the US Festo case), and related flow charts, etc. A total of 8 sessions for the seminar are scheduled to be held to solicit opinions from all circles between August and October, 2015.



TIPO Chairs Seminar on Free Rides on Others’ Commercial Reputation and Dead Copy

TIPO had a seminar on the current regulations governing the unfair competitive conduct relating to free rides (taking advantage of) on others’ commercial reputation and dead copy on August 4, 2015. The seminar discussions focused on the recent amendment to Article 22 of the Fair Trade Act. Currently, only Articles 29-33 of the Fair Trade Act cover the civil liability for unlawful acts of using others’ unregistered symbols, commonly known to the public. If the administrative sanctions on free rides and dead copy remain unchanged, it may result in legal debates in this regard. At the seminar, attending scholars and experts urged the Fair Trade Commission to specify the types of free rides and dead copy for the courts and all circles when amending Article 25 of the Fair Trade Act in the future. Hence, the plaintiffs may request for civil remedy support even if there are no administrative interventions by the Fair Trade Commission. The meeting information and minutes have been posted on the TIPO’s website for the public’s reference.



TIPO Kicks Off Online Copyright Awareness Campaign

TIPO kicked off a campaign titled “Support the Originals” to promote the public’s awareness on online copyright on August 2, 2015. The campaign was hosted by famous radio station DJ Cherry. TIPO invited popular blogger Stanley to share the online copyright problems that he encountered. Meanwhile, noted copyright lawyer Brian Lien was also present at the campaign to answer questions on copyright

so that the public would know how to protect online creations and legitimately use others' works. Besides, there were also interesting copyright contests, designed especially for the public to learn and build the right knowledge about copyright through fun games.



TIPO Forms IPR Protection Service Group to Promote IPR Awareness

In 2015, TIPO joined with IPR experts and scholars to form a "IPR Protection Service Group" to promote IPR awareness by giving speeches to various institutions, schools, and enterprises. In August, the group had 12 sessions of speeches to enhance IPR awareness through two-way communications and interactions, which attracted 1,030 people in total. The speeches were delivered based on the needs of different target audience. The speeches given at the universities (e.g. Vanung University and National Taiwan University of Sport) focused on the on-campus copyright issue and related practices. Those for enterprises (e.g. the Financial Ombudsman Institution, ECS, and CHT) emphasized on the trade secret ownership, employment contract, and non-competition agreement. As to the government organizations(e.g. East Coast National Scenic Area Administration, Tourism Bureau, MOTC), they prefer topics on the fair use of the Copyright Act and online copyright. According to the results of the feedback surveys, 90% of the participants expressed that their awareness on the copyright issue has increased thanks to the speeches. Moreover, they also realized that copying a book in separate times rather than just one time for the whole book is still considered an infringement act. Overall, the promotion campaign has produced great results.



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